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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 *In re Ex Parte* Application of
18 PALANTIR TECHNOLOGIES INC.,

19 Applicant,

20 For an Order Pursuant to 28 U.S.C. § 1782 to
Obtain Discovery from MARC L.
21 ABRAMOWITZ for Use in Foreign
Proceedings.

CASE NO.: 3:18-mc-80132-JSC

**MARC L. ABRAMOWITZ'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

1 Pursuant to Civil Local Rules 7-11 and 79-5, Marc L. Abramowitz (“Abramowitz”) submits
2 this motion for an order to file under seal the unredacted version of portions of Abramowitz’s Sur-
3 Reply to Palantir Technologies Inc.’s (“Palantir”) *Ex Parte* Application for an Order Pursuant to 28
4 U.S.C. § 1782 Granting Leave to Obtain Discovery for use in Foreign Proceedings (“Sur-Reply”);

5 This administrative motion is supported by Abramowitz’s previous Motion to File
6 Documents Under Seal (Dkt. No. 16) and associated papers. Similar to Abramowitz’s Opposition
7 brief (Dkt. No 17), the redacted portions of Abramowitz’s Sur-Reply discuss information relating
8 to a Preferred Stock Transfer Agreement from August 2012 (the “2012 Transfer Agreement”).
9 Palantir has indicated that it considers the 2012 Agreement to be confidential.

10 For documents attached to non-dispositive motions, a party seeking to file a document
11 needs to satisfy the “good cause” standard of Rule 26(c) to warrant preserving the secrecy of
12 confidential information. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir.
13 2006); *Lane v. Wells Fargo Bank, N.A.*, No. 12-cv-04026-WHA, 2013 WL 2627487, at *1 (N.D.
14 Cal. June 11, 2013). The “good cause” standard allows a judge to “protect a party or person from
15 annoyance, embarrassment, oppression, or undue burden or expense” during discovery, such as by
16 issuing an order “requiring that a trade secret or other confidential research, development, or
17 commercial information not be revealed or be revealed only in a specified way.” Fed. R. Civ. P.
18 26(c). Agreements may be sealed if they contain “details regarding [a] business arrangement.” *See*
19 *In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 WL 864897, at *2 (S.D. Cal. Mar. 11, 2011);
20 *see also Lightning Box Games Pty, Ltd. v. Plaor, Inc.*, No. 17-cv-03764-EDL, 2017 WL 7310782,
21 at *4 (N.D. Cal. Dec. 29, 2017) (“The fact that the judicial records quote or refer to confidential
22 agreements is often a compelling reason justifying sealing if the agreements contain commercially
23 sensitive information.”); *Asetek Holdings, Inc. v. CMI USA, Inc.*, No. 13-cv-00457-JST, 2014 WL
24 12644231, at *2 (N.D. Cal. Sept. 23, 2014) (granting a motion to file under seal both “confidential
25 agreements [in their entirety] setting forth Asetek’s sales relationships and business dealings with
26 Corsair Components, Inc. and Corsair Memory, Inc.” as well as “portions of other documents that
27 reference the agreements.”).

1 As discussed in Abramowitz's previous Motion to File Documents Under Seal (Dkt. No. 16)
2 and associated papers, Palantir has claimed that it believes the terms of the 2012 Transfer
3 Agreement to be confidential. If that is correct—and for present purposes Abramowitz takes no
4 position on the issue but reserves his right to do so in the future—filing the Sur-Reply in its
5 unredacted form would reveal Palantir's confidential information. Therefore, good cause exists
6 under Rule 26(c) to redact all quotes from, and discussions of the substance of, the 2012
7 Agreement in the Sur-Reply.

8 For the foregoing reasons, Abramowitz respectfully requests that the Court enter the
9 accompanying Proposed Order granting Abramowitz's Administrative Motion to File Under Seal.

10 Pursuant to Civil Local Rule 79-5(d), Abramowitz will lodge with the Clerk the Sur-Reply,
11 with accompanying chamber copies.

12 DATED: September 28, 2018

Respectfully submitted,

13 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

14 By: /s/ Jack P. DiCanio

15 Jack P. DiCanio

16 Attorneys for
17 MARC L. ABRAMOWITZ
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